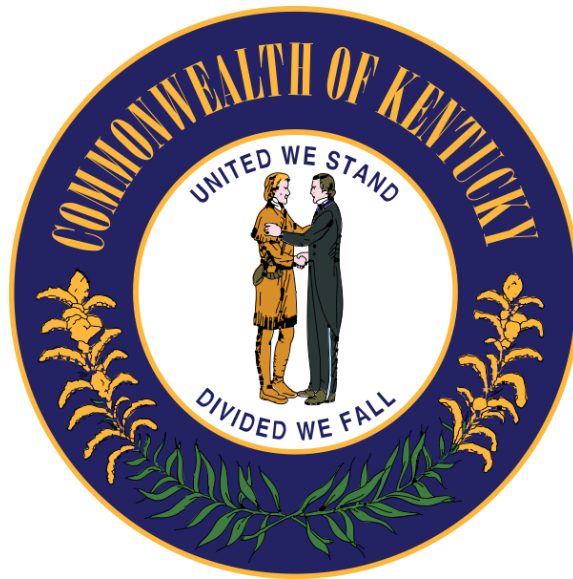


**LAWS AND REGULATIONS RELATING TO
CERTIFICATION AS AN ALCOHOL AND DRUG COUNSELOR**



Published By
The Kentucky Board of Certification of Alcohol and Drug Counselors
P.O. Box 1360
Frankfort, KY 40602
<http://adc.ky.gov>

January 2011 Edition



DISCLAIMER

The statutes and regulations provided in this booklet are an *unofficial* version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

For the official copies of the statutes and regulations pertaining to this professions, please visit <http://lrc.ky.gov>.

TABLE OF CONTENTS

KENTUCKY REVISED STATUTES

KRS 309.080	Definitions.....	1
KRS 309.0805	Use of Title “certified alcohol and drug counselor” – Construction.	1
KRS 309.081	Board of Certification of Alcohol and Drug Counselors.....	1
KRS 309.0813	Duties of board -- Fees.	2
KRS 309.083	Requirements for certification as alcohol and drug counselors.....	3
KRS 309.084	Certification of applicants.	3
KRS 309.085	Renewal of certificates – Cancellation and reinstatement.....	4
KRS 309.086	Revocation, suspension, probation, or restriction of certificate – Hearings -- Appeals.	4
KRS 309.087	Application for reinstatement of revoked certificate.....	5
KRS 309.089	Additional penalties.....	5

KENTUCKY ADMINISTRATIVE REGULATIONS

201 KAR 35:020	Fees.....	6
201 KAR 35:030	Code of ethics.	8
201 KAR 35:040	Continuing Education requirements.	11
201 KAR 35:050	Curriculum of study.....	15
201 KAR 35:060	Complaint procedure.	17
201 KAR 35:070	Supervision and work experience.....	19
201 KAR 35:080	Voluntary inactive status.	21

KENTUCKY REVISED STATUTES

309.080 Definitions for KRS 309.080 to 309.089.

As used in KRS 309.080 to 309.089, unless the context otherwise requires:

- (1) "Board" means the Kentucky Board of Certification of Alcohol and Drug Counselors;
- (2) "Certified alcohol and drug counselor" means a person certified by the board; and
- (3) "Certificate holder" means an alcohol and drug counselor who is certified pursuant to KRS 309.080 to 309.089.

Effective: July 15, 1996

History: Created 1996 Ky. Acts ch. 96, sec. 1, effective July 15, 1996. .

309.0805 Use of title "certified alcohol and drug counselor" -- Construction.

- (1) No person shall use the title "certified alcohol and drug counselor" or hold himself out as a "certified alcohol and drug counselor" unless he is certified pursuant to KRS 309.080 to 309.089.
- (2) Nothing in KRS 309.080 to 309.089 shall apply to persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes, including but not limited to physicians, social workers, psychologists, marriage and family therapists, art therapists, nurses, or students in accredited training programs in those professions, and nothing in KRS 309.080 to 309.089 shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which they hold themselves out to the public.
- (3) Nothing in KRS 309.080 to 309.089 shall be construed to alter, amend, or interfere with the practice of those who render counseling services, including but not limited to employment counseling, job placement counseling, vocational rehabilitation counseling, pastoral counseling based on any tenet of one's religious beliefs, or school counseling.
- (4) Nothing in KRS 309.080 to 309.089 shall apply to the activities and services of a student intern or trainee who is pursuing a program of studies in alcohol and drug counseling at an accredited institution of higher education, if these activities are performed under the supervision or direction of an approved supervisor and the activities are part of the supervised program of studies.

Effective: July 15, 1996

History: Created 1996 Ky. Acts ch. 96, sec. 2, effective July 15, 1996.

309.081 Board of Certification of Alcohol and Drug Counselors.

- (1) There is hereby created the Kentucky Board of Certification of Alcohol and Drug Counselors consisting of seven (7) members who shall be appointed by the Governor. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business of alcohol and drug counseling, and the six (6) remaining members shall be certified alcohol and drug counselors, pursuant to KRS 309.080 to 309.089. The board shall elect a chairman each year at the first meeting called after the appointment of new members.
- (2) Initially, six (6) members shall be appointed by the Governor from a list of eighteen (18) names submitted by the Kentucky Certification Board of Chemical Dependency Professionals. These initial appointees shall be certified by the Kentucky Certification Board of Chemical Dependency Professionals. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business of alcohol and drug counseling. The Governor shall initially appoint two (2) members and the citizen at large member to terms of four (4) years, two (2) members to terms of three (3) years, and two (2) members to terms of two (2) years. Thereafter,

each member of the board shall serve for a term of four (4) years with a maximum of two (2) full consecutive terms.

- (3) Beginning July 1, 1997, each counselor member appointed to the board shall be a certified alcohol and drug counselor and shall be actively engaged in the practice or teaching of alcohol and drug counseling in Kentucky.
- (4) All reappointments to and vacancies on the board shall be filled by the Governor from a list of three (3) names for each position that shall be submitted by the Kentucky Association of Addiction Professionals. The list shall consist of the three (3) nominees receiving the most votes in an election for each position to be filled. The election shall be administered by the Kentucky Association of Addiction Professionals, and nominations may be submitted by any interested party. The nominees shall be selected by all alcohol and drug counselors certified under KRS 309.080 to 309.089. Vacancies shall be filled for the remainder of an unexpired term in the same manner as set out in this subsection.
- (5) The citizen-at-large member shall be disqualified from serving on the board if:
 - (a) He, a member of his household, or his relative becomes associated with or financially interested in the business of alcohol and drug counseling, or participates or has participated in a professional field related to alcohol and drug counseling; or
 - (b) He, a member of his household, or his relative becomes, or is in training to become, a certified alcohol and drug counselor.
- (6) A counselor member of the board shall be disqualified from serving on the board if:
 - (a) He violates the code of professional ethics or standards of practice established pursuant to KRS 309.0813; or
 - (b) He ceases to be a certified alcohol and drug counselor in Kentucky.
- (7) Board members shall be reimbursed for all reasonable and necessary expenses they incur because of their board duties.

Effective: July 15, 1996

History: Created 1996 Ky. Acts ch. 96, sec. 3, effective July 15, 1996.

309.0813 Duties of board -- Fees.

The board shall:

- (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and enforcement of KRS 309.080 to 309.089;
- (2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a code of ethics, standards of practice, and continuing education for certified alcohol and drug counselors;
- (3) Approve and disapprove, at least twice a year, those persons who shall be certified under KRS 309.080 to 309.089;
- (4) Approve the examination required of applicants for certification and promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and grading of the examination;
- (5) Establish an examination committee to administer and evaluate the case method presentation and the oral examination;
- (6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing grounds and procedures for denying, suspending, failing to reissue, or revoking a certificate, and issuing reprimands and admonishments pursuant to KRS 309.080 to 309.089;
- (7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved certificate holder or an applicant for a certificate;
- (8) Employ needed personnel and establish their duties and compensation;
- (9) Maintain a register of certified alcohol and drug counselors;
- (10) Keep a complete record of the board's proceedings;
- (11) Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089;

- (12) Promulgate administrative regulations pursuant to KRS 13A establishing an initial certification fee and annual renewal fee not to exceed three hundred dollars (\$300) each;
- (13) Take legal action as necessary to restrain or enjoin violations of KRS 309.080 to 309.089 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089; and
- (14) Submit an annual report to the Governor and the Legislative Research Commission by January 1 of each year, which lists all hearings conducted by the board and the decisions rendered.

Effective: July 15, 1996

History: Created 1996 Ky. Acts ch. 96, sec. 4, effective July 15, 1996.

309.083 Requirements for certification as alcohol and drug counselors.

An applicant for certification as an alcohol and drug counselor shall pay the board the initial fee for certification, and shall:

- (1) Be at least eighteen (18) years of age;
- (2) Have obtained a baccalaureate degree;
- (3) Have completed six thousand (6,000) hours of board-approved experience working with alcohol or drug dependent persons, three hundred (300) hours of which shall have been under the direct supervision of a certified alcohol and drug counselor who has at least two (2) years of post-certification experience;
- (4) Have completed at least two hundred seventy (270) classroom hours of board-approved curriculum;
- (5) Have passed a written examination that has been approved by the International Certification Reciprocity Consortium on Alcoholism and Drug Abuse and an oral examination approved by the board;
- (6) Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;
- (7) Have completed at least six (6) hours of ethics training and two (2) hours of training in the transmission, control, treatment, and prevention of the human immunodeficiency virus; and
- (8) Have submitted two (2) letters of reference from certified alcohol and drug counselors.

Effective: June 24, 2003

History: Amended 2003 Ky. Acts ch. 36, sec. 1, effective June 24, 2003. -- Created 1996 Ky. Acts ch. 96, sec. 5, effective July 15, 1996.

309.084 Certification of applicants.

- (1) Upon application made prior to January 1, 1997, and payment of the initial certification fee, any person who is certified by the Kentucky Certification Board of Chemical Dependency Professionals prior to January 1, 1997, shall be deemed to be certified pursuant to KRS 309.080 to 309.089.
- (2) After July 15, 1996, the board shall certify any applicant who meets all of the requirements set out in KRS 309.083, pays the fees established by the board, and is not disqualified pursuant to KRS 309.086.
- (3) Upon application and payment of the prescribed fees, any person who is and has been approved by the Kentucky Certification Board of Chemical Dependency Professionals as a trainee, prior to July 15, 1996, shall be certified without meeting the requirement of KRS 309.083(2) if he satisfies all the other requirements of that section, prior to December 31, 1997.

Effective: June 24, 2003

History: Amended 2003 Ky. Acts ch. 36, sec. 2, effective June 24, 2003. -- Created 1996 Ky. Acts ch. 96, sec. 6, effective July 15, 1996.

309.085 Renewal of certificates -- Cancellation and reinstatement.

- (1) A certificate issued pursuant to KRS 309.084 shall be renewed every three (3) years upon:
 - (a) Payment of the renewal fee as established pursuant to KRS 309.0813; and
 - (b) Completion of continuing education requirements, as established by the board by promulgation of an administrative regulation, not to exceed sixty (60) hours per renewal period.
- (2) The board shall cancel any certificate not renewed within ninety (90) days after the renewal date; however, the board may reinstate the certificate, upon its holder paying the renewal fee and satisfying the other reinstatement requirements as established by the board by administrative regulation within one (1) year of the anniversary date of issue of renewal.

Effective: July 15, 1996

History: Created 1996 Ky. Acts ch. 96, sec. 7, effective July 15, 1996.

309.086 Revocation, suspension, probation, or restriction of certificate -- Hearings -- Appeals.

- (1) The board may revoke, suspend, place on probation, or restrict the certificate of a certificate holder; refuse to issue or renew a certificate; and reprimand, admonish, or fine a certificate holder for the following:
 - (a) Fraud or deceit in obtaining certification;
 - (b) Transferring the authority granted by the certificate to another person;
 - (c) Using unfair, false, misleading, or deceptive trade practices;
 - (d) Willfully or deliberately disregarding professional standards of practice or violating the code of ethics;
 - (e) Aiding and abetting a person who obtains a certificate fraudulently;
 - (f) Conspiring or combining with others to obtain a certificate to be used by an uncertified person with the intent to evade the provisions of KRS 309.080 to 309.089 and administrative regulations promulgated pursuant to those sections;
 - (g) Negligence or incompetence in complying with the applicable code of ethics and standards of practice or failure to comply with continuing education requirements;
 - (h) Violating KRS 309.080 to 309.089 and administrative regulations promulgated pursuant to those sections; or
 - (i) Being convicted of a felony or any other crime in which an element of the crime is dishonesty or fraud, under the laws of any state or the United States within the past three (3) years.
- (2) The board shall, upon the request of a certified alcohol and drug counselor or an applicant for certification as an alcohol and drug counselor, hold a hearing pursuant to KRS Chapter 13B before denying an application for certification, refusing to renew a certificate, suspending a certificate, or imposing a fine. The affected party may appeal the board's decision in the Circuit Court where the certificate holder resides. The action of the board shall remain in effect pending any appeals unless the board rescinds or modifies its order.

Effective: July 15, 1996

History: Created 1996 Ky. Acts ch. 96, sec. 8, effective July 15, 1996.

309.087 Application for reinstatement of revoked certificate.

A person whose certificate has been revoked may apply for reinstatement, no earlier than one (1) year from the date of revocation, in accordance with administrative regulations promulgated by the board.

Effective: July 15, 1996

History: Created 1996 Ky. Acts ch. 96, sec. 9, effective July 15, 1996.

309.089 Additional penalties.

In addition to the sanctions set out in KRS 309.086, the board may impose the following sanctions on certificate holders who violate the provisions of KRS 309.080 to 309.089 and administrative regulations promulgated pursuant to those sections:

- (1) Suspend a certificate for a period of up to five (5) years; and
- (2) Impose a fine of up to one thousand dollars (\$1,000).

Effective: July 15, 1996

History: Created 1996 Ky. Acts ch. 96, sec. 10, effective July 15, 1996.

KENTUCKY ADMINISTRATIVE REGULATIONS

201 KAR 35:020. Fees.

RELATES TO: KRS 309.084, 309.085(1)(a)

STATUTORY AUTHORITY: KRS 309.0813(1), (4), (5), (12), 309.085(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813(4) requires the board to promulgate an administrative regulation governing the administration and grading of the written and oral examinations which applicants for certification shall be required to successfully complete. KRS 309.0813(12) requires the board to promulgate an administrative regulation establishing an initial certification fee and renewal fee. This administrative regulation establishes those fees.

Section 1. Application Fee. (1) The application fee for board review of the Application for Certification as an Alcohol and Drug Counselor shall be fifty (50) dollars.

- (2) The application fee shall be nonrefundable.
- (3) An Application for Certification as an Alcohol and Drug Counselor shall lapse and the fee shall be forfeited if the application packet is not completed within one (1) year from the date it is filed with the board office.
- (4)
 - (a) If an approved applicant does not successfully complete the examinations required by the board for certification within two (2) years from the date the original application form is filed with the board, the applicant shall update and refile the Application for Certification as an Alcohol and Drug Counselor prior to sitting for the examination again.
 - (b) The fee for refiling the Application form shall be twenty (20) dollars.

Section 2. Examination Fees. The following fees shall be paid in connection with the examinations required by the board through December 31, 2008;

- (1) The fee for the written examination shall be \$100.
- (2)
 - (a) The fee for the oral examination shall be \$125.
 - (b) In the event the oral examination is rescheduled at the request of the applicant, a twenty-five (25) dollar fee shall be paid prior to rescheduling of the examination.
- (3) The fee for retaking either portion of the examination shall be the same fee established in subsections (1) and (2) of this section, and shall accompany the Application for Re-examination.
- (4) Applicants shall have the option to sit for the comprehensive examination offered by the International Certification and Reciprocity Consortium by paying the fees established in Section 3 of this administrative regulation.

Section 3. Comprehensive Examination Fee. (1) Effective January 1, 2009, applicants for certification shall take the comprehensive examination offered by the International Certification and Reciprocity Consortium and shall pay a fee of \$150.

- (2) The fee for retaking the comprehensive examination shall be \$150.

Section 4. Initial Certification Fee. (1) The initial certification fee shall be \$200 for an applicant for certification.

- (2) If the applicant successfully completes all requirements for certification, this fee shall cover certification for the initial three (3) year period.

Section 5. Renewal Fees and Penalties. (1)(a) A certificate not renewed within ninety (90) days after the holder's renewal date shall be deemed cancelled in accordance with KRS 309.085(2).

- (b) A person holding a cancelled certificate shall not use the title "certified alcohol and drug counselor: or hold himself out as a certified alcohol and drug counselor.
- (2) The following fees and penalties shall be paid in connection with certification renewals:
 - (a) The renewal fee for certification shall be \$200 for a three (3) year period, and shall accompany the Renewal Application.
 - (b) The late renewal fee, including penalty, for the ninety (90) day grace period, shall be \$250, for certification for a three (3) year period.

Section 6. Reinstatement of a Canceled Certificate. (1) A canceled certificate may be reinstated within one (1) year of the anniversary date of issue of renewal by:

- (a) Submitting a completed "Reinstatement Application"; and
- (b) Payment of a \$300 reinstatement fee, for certification for a three (3) year period.
- (2) The applicant for reinstatement of a canceled certificate shall submit proof of completion of twenty (20) hours of continuing education for each year since the date of last active certification.

Section 7. Duplicate Certificate and ID Card Fees. (1) The fee for a duplicate certificate shall be twenty (20) dollars.

- (2) The fee for a duplicate ID card shall be ten (10) dollars.

Section 8. Inactive Status Fee. (1) The enrollment fee for voluntarily placing a certificate in inactive status in accordance with 201 KAR 35:080 shall be fifty (50) dollars.

- (2) The annual renewal fee for certificates enrolled in inactive status shall be twenty-five (25) dollars.
- (3) The fee for reactivation is \$200 for a three (3) year period commencing on the date the Board approves the application for reactivation.

Section 9. Continuing Education Fees. (1) For purposes of this administrative regulation a continuing education sponsor shall be defined as an individual or entity that provides a program of continuing education to certificate holders which has been reviewed and approved by the board to meet the continuing education requirements set forth in 201 KAR 35:040.

- (2) Approvals may consist of a single workshop or a program of courses and shall be effective for one (1) year from the date of approval.
- (3) The fee for approval of an application for a single program provider shall be fifty (50) dollars.
- (4) The fee for approval of an application for a continuing education sponsor providing a program of courses shall be \$250.
- (5) Continuing education sponsors who have received approval for their program of courses may apply for renewal of the approval in accordance with 201 KAR 35:040 and shall pay an annual renewal fee of \$150.
- (6)
 - (a) The fee for review of an application for a substantial change in curriculum of an approved program shall be fifty (50) dollars.
 - (b) A substantial change shall be considered as the addition of a workshop or course to a pre-approved program, or changes to the content of a pre-approved workshop or program which is in excess of twenty (20) percent.

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Application for Certification as an Alcohol and Drug Counselor" (2008);
- (b) "Application for Re-Examination", 2008;
- (c) "Renewal Application", 2008;
- (d) "Reinstatement Application", 200; and
- (e) "Continuing Education Sponsor Application", 2008.

- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Certification of Alcohol and Drug Counselors, 911 Leawood Drive, Frankfort, Kentucky, telephone (502) 564-3296, ext. 222, Monday through Friday, 8:30 a.m. to 5 p.m. (23 Ky.R. 3456; Am. 3752; eff. 4-16-97; 27 Ky.R. 2556; eff. 6-8-2001; 35 Ky.R. 318; 783; eff. 10-15-08.)

201 KAR 35:030. Code of ethics.

RELATES TO: KRS 309.081

STATUTORY AUTHORITY: KRS 309.0813(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.1315(14) requires the board to promulgate a code of ethics for certified alcohol and drug counselors. This administrative regulation establishes the required code of ethics.

Section 1. Responsibility to Clients. (1) An alcohol and drug counselor shall:

- (a) Advance and protect the welfare of the client;
 - (b) Respect the rights of a person seeking assistance; and
 - (c) Make reasonable efforts to ensure that services are used appropriately.
- (2) An alcohol and drug counselor shall not:
- (a) Discriminate against or refuse professional service to anyone on the basis of:
 - 1. Race;
 - 2. Gender;
 - 3. Religion; or
 - 4. National origin;
 - (b) Exploit the trust and dependency of a client;
 - (c) Engage in a dual relationship with a client, including a social, business, or personal relationship, that may:
 - 1. Impair professional judgment;
 - 2. Incur a risk of exploitation of the client; or
 - 3. Otherwise violate a provision of this administrative regulation.

If a dual relationship cannot be avoided, and does not impair professional judgment, incur a risk of exploitation of the client, or otherwise violate a provision of this administrative regulation, a counselor shall take appropriate professional precautions to ensure that judgment is not impaired and exploitation of the client does not occur.

- (d) Engage in a sexual relationship with a current client or with a former client for two (2) years following the termination of therapy;
- (e) Use the professional relationship with a client to further a personal interest;
- (f) Continue a therapeutic relationship unless it is reasonably clear that the client is benefiting from the relationship;
- (g) Fail to assist a person in obtaining other therapeutic service if the counselor is unable or unwilling, for an appropriate reason, to provide professional help;
- (h) Abandon or neglect a client in treatment without making reasonable arrangements for the continuation of treatment;
- (i) Videotape, record, or permit third-party observation of a therapy session without having first obtained written informed consent from the client;
- (j) Engage in sexual or other harassment or exploitation of a client, student, trainee, supervisee, employee, colleague, research subject, or actual or potential witness or complainant in an investigation or ethical proceeding; or
- (k) Diagnose, treat, or advise on problems outside the recognized boundaries of competence.

Section 2. Confidentiality. (1) An alcohol and drug counselor shall respect and guard the confidence of each individual client.

- (2) An alcohol and drug counselor shall not disclose a client confidence except:
 - (a) As mandated, or permitted by law;
 - (b) To prevent a clear and immediate danger to a person;
 - (c) During the course of a civil, criminal, or disciplinary action arising from the counseling, at which the alcohol and drug counselor is a defendant; or
 - (d) In accordance with the terms of a written informed consent agreement.
- (3) An alcohol and drug counselor may use client or clinical material in teaching, writing, and public presentations if:
 - (a) Written informed consent has been obtained in accordance with subsection (2)(d) of this section; or
 - (b) Appropriate steps have been taken to protect client identity and confidentiality.
- (4) An alcohol and drug counselor shall store or dispose of a client record so as to maintain confidentiality.

Section 3. Publication Credit. An alcohol and drug counselor shall assign credit to all who have contributed to the published material and for the work upon which publication is based. An alcohol and drug counselor shall:

- (1) Recognize joint authorship and major contributions of a professional character made by several persons to a common project. The author who has made the principle contribution to a publication shall be identified as the first listed;
- (2) Acknowledge in a footnote or introductory statement minor contributions of a professional character, extensive clerical or similar assistance;
- (3) Acknowledge, through specific citations, unpublished, as well as published, material that has directly influenced the research or writing.

Section 4. Professional Competence and Integrity. An alcohol and drug counselor shall maintain standards of professional competence and integrity and shall be subject to disciplinary action for:

- (1) Having been subject to disciplinary action by another state's regulatory agency that the board determines violates applicable Kentucky state law or administrative regulation;
- (2) Impairment due to mental incapacity or the abuse of alcohol or other substances which negatively impact the practice of alcohol and drug counseling;
- (3) Refusing to comply with an order issued by the board; or
- (4) Failing to cooperate with the board by not:
 - (a) Furnishing in writing a complete explanation to a complaint filed with the board;
 - (b) Appearing before the board at the time and place designated; or
 - (c) Properly responding to a subpoena issued by the board.
- (5) An alcohol and drug counselor who is aware of conduct by another certified alcohol and drug counselor that violates this code of ethics shall report that conduct to the Kentucky Board of Certification of Alcohol and Drug Counselors.
- (6) An alcohol and drug counselor shall comply with all the policies and procedures of the facilities where he is employed. If there is conflict with the policies or procedures of the facility and this code of ethics, the alcohol and drug counselor shall report this conflict to the Kentucky Board of Certification of Alcohol and Drug Counselors.

Section 5. Responsibility to a Student or Supervisee. An alcohol and drug counselor shall:

- (1) Be aware of his influential position with respect to a student or supervisee; and
- (2) Avoid exploiting the trust and dependency of a student or supervisee;
- (3) Try to avoid a social, business, personal, or other dual relationship that could:
 - (a) Impair professional judgment; and

- (b) Increase the risk of exploitation;
- (4) Take appropriate precautions to ensure that judgment is not impaired and to prevent exploitation if a dual relationship cannot be avoided;
- (5) Not provide counseling to a:
 - (a) Student;
 - (b) Employee; or
 - (c) Supervisee;
- (6) Not engage in sexual intimacy or contact with a:
 - (a) Student; or
 - (b) Supervisee;
- (7) Not permit a student or supervisee to perform or represent himself as competent to perform a professional service beyond his level of:
 - (a) Training;
 - (b) Experience; or
 - (c) Competence;
- (8) Not disclose the confidence of a student or supervisee unless:
 - (a) Permitted or mandated by law;
 - (b) It is necessary to prevent a clear and immediate danger to a person;
 - (c) During the course of a civil, criminal, or disciplinary action arising from the supervision, at which the alcohol and drug counselor is a defendant;
- (d) In an educational or training setting, of which there are multiple supervisors or professional colleagues who share responsibility for the training of the supervisee;
- (e) In accordance with the terms of a written informed consent agreement.

Section 6. Responsibility to a Research Participant. (1) An alcohol and drug counselor performing research shall be aware of federal and state laws and regulations and professional standards governing the conduct of research.

- (2) An alcohol and drug counselor performing research shall:
 - (a) Be responsible for making a careful examination of ethical acceptability in planning a study;
 - (b) Seek the ethical advice of another qualified professional not directly involved in the investigation, if it is possible that services to a research participant could be compromised; and
 - (c) Observe safeguards to protect the rights of a participant.
- (3) An alcohol and drug counselor requesting a participant's involvement in research shall:
 - (a) Inform him of all aspects of the research that might reasonably affect his willingness to participate; and
 - (b) Be sensitive to the possibility of diminished consent if the participant:
 - 1. Is also receiving clinical services;
 - 2. Has an impairment which limits understanding or communication; or
 - 3. Is a child.
- (4) An alcohol and drug counselor performing research shall respect a participant's freedom to decline participation in or to withdraw from a research study at any time.
- (5) An alcohol and drug counselor shall avoid a dual relationship with research participants.
- (6) Information obtained about a research participant during the course of an investigation shall be confidential unless there is an authorization previously obtained in writing. The following shall be explained to the participant before obtaining written, informed consent:
 - (a) A risk that another person, including a family member, could obtain access to the information; and
 - (b) The plan to be used to protect confidentiality.

Section 7. Financial Arrangements. An alcohol and drug counselor shall:

- (1) Not charge an excessive fee for service;
- (2) Disclose his fees to a client and supervisee at the beginning of service;
- (3) Make financial arrangements with a patient, third-party payor, or supervisee that:
 - (a) Are reasonably understandable; and
 - (b) Conform to accepted professional practices;
- (4) Not offer or accept payment for a referral;
- (5) Represent facts truthfully to a client, third-party payor, or supervisee regarding services rendered.

Section 8. Advertising. (1) An alcohol and drug counselor shall:

- (a) Accurately represent education, training, and experience relevant to the practice of professional alcohol and drug counseling;
- (b) Not use professional identification that includes a statement or claim that is false, fraudulent, misleading, or deceptive, including the following:
 1. A business card;
 2. An office sign;
 3. Letterhead;
 4. Telephone or association directory listing.
- (2) A statement shall be considered false, fraudulent, misleading, or deceptive if it:
 - (a) Contains a material misrepresentation of fact;
 - (b) Is intended to or likely to create an unjustified expectation;
 - (c) Deletes a material fact or information.

Section 9. Environment. An alcohol and drug counselor shall provide a safe, functional environment in which to offer alcohol and drug counseling services. This shall include the following:

- (1) Allowance for privacy and confidentiality; and
- (2) Compliance with any other health and safety requirement according to local, state, and federal agencies.

Section 10. Documentation. An alcohol and drug counselor shall accurately document activity with a client in a timely manner.

Section 11. Interprofessional Relationships. An alcohol and drug counselor shall treat a colleague with respect, courtesy and fairness and shall afford the same professional courtesy to other professionals.

- (1) An alcohol and drug counselor shall not offer professional service to a client in counseling with another professional except with the knowledge of the other professional or after the termination of the client's relationship with the other professional.
- (2) An alcohol and drug counselor shall cooperate with a duly constituted professional ethics committee and promptly supply necessary information unless constrained by the demands of confidentiality. (25 Ky.R. 947; Am. 2128; eff. 3-17-99.)

201 KAR 35:040. Continuing education requirements.

RELATES TO: KRS 309.085(1)(b)

STATUTORY AUTHORITY: KRS 309.0813(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.085(1)(b) authorizes the board to promulgate an administrative regulation requiring certified alcohol and drug counselors to complete continuing education requirements as a condition of renewal of certification. This administrative regulation establishes the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Definitions. (1) "Academic course" means a course offered by an accredited postsecondary institution beyond the undergraduate level, that is:

- (a) An alcohol and drug counseling course, designated by title or content; or
- (b) An academic course, relevant to alcohol and drug counseling.
- (2) "Approved" means recognized by the Kentucky Board of Certification of Certified Alcohol and Drug Counselors.
- (3) "Continuing education hour" means fifty (50) clock minutes of participating in a continuing educational experience.
- (4) "Program" means an organized learning experience:
 - (a) Planned and evaluated to meet behavioral objectives; and
 - (b) Presented in one (1) session or in a series.
- (5) "Provider" means an organization approved by the Kentucky Board of Certification for Certified Alcohol and Drug Counselors for providing continuing education programs.
- (6) "Relevant" means having content applicable to the practice of alcohol and drug counseling in accordance with the requirements of Section 4(2) of this administrative regulation.

Section 2. Basic Continuing Education Requirements. (1) A minimum of sixty (60) continuing education hours shall be accrued by each person holding certification during the three (3) year certification period for renewal.

- (2) All hours shall be relevant to the field of alcohol and drug counseling.
- (3) All continuing education activities approved by the board shall be accepted toward the continuing education requirements for renewal of a certificate. A certificate holder shall determine prior to attending a specific continuing education program that the program:
 - (a) Has been approved by the board; or
 - (b) Is offered or sponsored by an organization approved by the board to provide continuing education programs.
- (4) If the specific continuing education program is not pre-approved as established in subsection (3) of this section, the certificate holder may apply for board approval by providing the information required by Section 5 of this administrative regulation.

Section 3. Methods of Acquiring Continuing Education Hours.

- (1) Continuing education hours applicable to the renewal of the certificate shall be directly related to the professional growth and development of a certified alcohol and drug counselor.
- (2) Continuing education hours may be earned by:
 - (a) Attending a continuing education program that has prior approval by the board;
 - (b) The completion of appropriate academic coursework; or
 - (c) other alternative methods approved by the board in accordance with subsection (5) of this section.
- (3) Attendance at continuing education programs automatically approved by the board. A program provided, approved, or sponsored by any of the following providers and that is relevant to the practice of alcohol and drug counseling shall be deemed to be approved without further review by the board shall be and exempt from the program fee established in 201 KAR 35:020, Section 9:
 - (a) The National Association of Addiction Professionals (NAADAC) and its member boards;
 - (b) The International Certification and Reciprocity Consortium (ICRC);
 - (c) The Kentucky Cabinet for Health and Family Services, Division of Mental Health and Substance Abuse and its subcontractors;
 - (d) The Kentucky School of Alcohol and Drug Studies;
 - (e) An Addition Technology Transfer Center (ATTC); and
 - (f) State or United State Regional Addiction Training Institute.
- (4) (a) Academic coursework. An academic course, as defined in Section 1(1) of this administrative regulation shall not require board review or approval.

- (b) A general education course, or elective designated to meet undergraduate degree requirements, shall be acceptable for continuing education credit if it is relevant to the practice of alcohol and drug counseling.
- (c) Academic credit equivalency for continuing education hours shall be based on one (1) credit hour equaling fifteen (15) continuing education hours.
- (5) Alternative methods for obtaining continuing education hours; programs requiring board review and approval. A program from any of the following sources shall be reviewed by the board to determine whether or not the program complies with the requirements of Section 4(2) of this administrative regulation:
 - (a) A program, including a home study course and in-service training provided by an organization or education institution not listed in subsection (3) of this section;
 - (b) A program or academic course presented by the certificate holder.
 - 1. A presenter of a relevant program or academic course shall earn two (2) continuing education hours for each contact hour of instruction.
 - 2. Credit shall not be issued for repeated instruction of the same course;
 - (c) 1. A relevant publication in a professionally recognized or juried publication authored by the certificate holder.
 - 2. Continuing education hours shall be granted for relevant publications as follows:
 - a. Five (5) continuing education hours for each published abstract or book review in a refereed journal;
 - b. Ten (10) continuing education hours for each book chapter or monograph;
 - c. Fifteen (15) continuing education hours for each published article in a refereed journal; and
 - d. Twenty (20) continuing education hours for each published book.

Section 4. Procedures for Preapproval of Continuing Education Programs. (1) An applicant seeking to obtain approval of a continuing education program prior to its offering shall apply to the board at least sixty (60) days in advance of the commencement of the program, and shall provide the information required in Section 5 of this administrative regulation.

- (2) A continuing education activity shall be qualified for approval if the activity:
 - (a) Is an organized program of learning;
 - (b) Pertains to subject matter relating to alcohol and drug counseling;
 - (c) Enhances the professional competence of the certificate holder by:
 - 1. Refreshing knowledge and skills; or
 - 2. Educating on a new topic or subject; and
 - (d) Is conducted by a competent instructor, as documented by appropriate academic training, professional licensures or certification, or professionally recognized experience.
- (3)
 - (a) The board may monitor or review a continuing education program approved by the board.
 - (b) Upon evidence of significant variation in the program presented from the program approved, the board shall withdraw approval of the hours granted to the program.

Section 5. Subsequent Approval of Continuing Education Programs. (1) A course that has not been preapproved by the board may be used for continuing education if approval is secured from the board.

- (2) The following information shall be submitted for board review of a program:
 - (a) A published course or seminar description;
 - (b) The name and qualifications of the instructor;
 - (c) A copy of the program agenda indicating hours of education;
 - (d) Number of continuing education hours requested;
 - (e) Official certificate of completion or college transcript from the sponsoring agency or college; and
 - (f) Application for continuing education credits approval.

Section 6. Application for Approved Sponsor. (1) A company, individual, or association that wishes to be designated as an approved sponsor of continuing education shall complete a Continuing Education Sponsor Application incorporated by reference in 201 KAR 35:020 shall, and pay the provider fee established in 201 KAR 35:020, Section 9.

- (2) An approved sponsor of continuing education shall be allowed to advertise the program as pre-approved to meet the continuing education requirements for certification renewal.
- (3)
 - (a) Approval shall be for one (1) year from date of approval unless substantial course changes occur.
 - (b) For purposes of this section, a substantial course change shall be a change in the curriculum in excess of twenty (20) percent.

Section 7. Responsibilities and Reporting Requirements of Certificate Holder; Audit. (1)(a) During the certification renewal period, the board shall require up to fifteen (15) percent of all certificate holders to furnish documentation of the completion of the appropriate number of continuing education hours through a random audit process.

- (b) Copies of supporting documentation submitted to the board shall be shredded and shall not be returned to the certificate holder upon completion of the audit process.
 - (c) Verification of continuing education hours shall not otherwise be reported to the board.
- (2) A certificate holder shall:
 - (a) Be responsible for obtaining the required continuing education hours;
 - (b) Identify personal continuing education needs and seek activities that meets those needs;
 - (c) Seek ways to integrate new knowledge, skills, and activities;
 - (d) Select approved activities by which to earn continuing education hours;
 - (e) Submit to the board, if applicable, a request for approval for continuing education activities not approved as established in Section 3(4) of this administrative regulation;
 - (f) Document attendance, participation in, and successful completion of continuing education activity; and
 - (g) Maintain records of continuing education hours for five (5) years from the date of the offering of the continuing education activity.
- (3) The following items may be used to document continuing education activity:
 - (a) Transcript;
 - (b) Certificate;
 - (c) Affidavit signed by the instructor;
 - (d) Receipt for the fee paid to the sponsor; or
 - (e) Written summary of experiences that are not formally or officially documented otherwise.
- (4) Failure to comply with this administrative regulation shall constitute a violation of KRS 309.085(1)(b) and shall result in board:
 - (a) Refusal to renew certification;
 - (b) Suspension of certification; or
 - (c) Revocation of certification.

Section 8. Carry-over of Continuing Education Hours Prohibited. Continuing education hours earned in excess of those required pursuant to Section 2 of this administrative regulation shall not be carried over into the immediately following certification renewal period.

Section 9. Appeal of Denial of Continuing Education Hours by the Board. (1) If an application for approval of continuing education hours is denied, the certificate holder shall have the right to appeal the board's decision.

- (2) An appeal shall be:
 - (a) In writing;

- (b) Received by the board within thirty (30) days after the date of the decision denying approval of continuing education hours; and
- (c) Conducted in accordance with KRS Chapter 13B.

Section 10. Waiver or Extensions of Continuing Education. (1) On application, the board may grant a waiver of the continuing education requirements or an extension of time within which to fulfill the requirements in the following cases:

- (a) Medical disability of the certificate holder;
 - (b) Illness of the certificate holder or an immediate family member; or
 - (c) Death or serious injury of an immediate family member.
- (2) A written request for waiver or extension of time involving medical disability or illness shall be:
- (a) Submitted by the certificate holder; and
 - (b) Accompanied by a verifying document signed by a licensed physician.
- (3) A waiver of or extension of time within which to fulfill the minimum continuing education requirements shall not exceed one (1) year.
- (4) If the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the certificate holder shall reapply for the waiver or extension.

Section 11. Continuing Education Requirements for Reinstatement or Reactivation of Certification. (1) A person requesting reinstatement of certification shall:

- (a) Submit evidence of receiving sixty (60) hours of continuing education within the three (3) year period immediately preceding the date that reinstatement is requested; or
 - (b) 1. Obtain sixty (60) hours of continuing education within six (6) months of reinstatement of certification.
2. Failure to obtain sixty (60) hours within six (6) months shall result in termination of certification.
- (2) The continuing education hours received in compliance with this section shall be in addition to the continuing education requirements established in Section 2 of this administrative regulation and shall not be used to comply with the requirements of that section.

Section 12. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Continuing Sponsor Application Form" (2008).
 - (b) "Continuing Education Program Application Form" (200).
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Certification of Alcohol and Drug Counselors, 911 Leawood Drive, Frankfort, Kentucky, telephone (502) 564-3296 ext. 222, Monday through Friday, 8:30 a.m. to 5:00 p.m. (25 Ky.R. 949; Am. 2131; eff. 3-17-99; 35 Ky.R. 320; 784; eff. 10-15-2008.)

201 KAR 35:050. Curriculum of study.

RELATES TO: KRS 309.083(4), (8)

STATUTORY AUTHORITY: KRS 309.083(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.083(4) requires that applicants for certification shall have completed 270 classroom hours of board-approved curriculum. This administrative regulation identifies the areas of study that will satisfy the requirement.

Section 1. (1) The 270 classroom hours of curriculum required by KRS 309.083(4) to receive certification as an alcohol and drug counselor shall be specifically related to the knowledge and skills necessary to perform the following twelve (12) core function, which shall be:

- (a) Screening;
- (b) Intake;
- (c) Client orientation;
- (d) Assessment;
- (e) Treatment planning;
- (f) Counseling;
- (g) Case management;
- (h) Crisis intervention;
- (i) Client education;
- (j) Referral;
- (k) Reports and recordkeeping; and
- (1) Consultation.
- (2) A minimum of 135 hours of the total 270 hours shall be specific to alcohol or drug treatment.
- (3) A minimum of six (6) hours of the total 270 hours shall be specific to professional ethics training relating to counseling; and
- (4) Two (2) hours of the total 270 hours shall be specific to transmission, control, and treatment of the human immunodeficiency virus.
- (5) Subsections (2) through (4) shall go into effect January 1, 2009.

Section 2. (1) Attendance at conferences, workshops, seminars, or in-service training related to addictions shall be acceptable to meet the requirements of Section 1 of this administrative regulation if the board determines that the activity:

- (a) Is an organized program of learning;
- (b) Covers an area listed in Section 1 of this administrative regulation; and
- (c) Is conducted by a competent instructor, as documented by appropriate academic training, professional licensure or certification, or professionally recognized experience.
- (2) One (1) semester hour of study from an accredited college or university credit shall equal fifteen (15) classroom hours.
- (3) Publication on a subject relevant to addictions therapy may be submitted to the board. Credit shall be granted as follows:
 - (a) A chapter in a book shall be equivalent to ten (10) classroom hours.
 - (b) 1. Authoring or editing a book relevant to addictions therapy shall be given credit equivalent to thirty (30) classroom hours.
2. An applicant shall submit a copy of the title page, table of contents, and bibliography.
 - (c) 1. Publication in a professional refereed journal is equivalent to fifteen (15) classroom hours.
2. An applicant shall submit the journal table of contents and a copy of the article as it appeared in the journal including bibliography.

Section 3. (1) A list of courses the applicant wishes to have considered shall be organized by core area as established in Section 1 of this administrative regulation and shall include documentation to verify that the course satisfies the requirements of that section.

- (2) Appropriate documentation of the course shall include:
 - (a) Date;
 - (b) Title;
 - (c) Description;
 - (d) Sponsoring organization;
 - (e) Presenter and presenter's credentials;
 - (f) Number of contact hours attended; and

- (g) Certificates of attendance or transcript.

Section 4. Certification as an alcohol and drug counselor in the International Certification and Reciprocity Consortium shall be accepted as evidence that the applicant has met both the educational and experiential requirements for certification established in KRS 309.083. (26 Ky.R. 1463; eff. 2-16-2000; 35 Ky.R. 324; 787; eff. 10-15-08.)

201 KAR 35:060. Complaint procedure.

RELATES TO: KRS 309.0805(1), 309.0813(7), (11), (13), 309.086

STATUTORY AUTHORITY: KRS 309.0813(6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.086 authorizes the board to revoke, suspend, place on probation, or restrict a certificate holder and delineates the causes for which disciplinary action may be taken against a certificate holder. This administrative regulation establishes procedures for the filing, evaluation, and disposition of administrative complaints.

Section 1. Definitions. (1) "Chair" means the chairman or vice-chairman of the board.

- (2) "Charge" means a specific allegation contained in a formal complaint, as established in subsection (5) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 309, the administrative regulations promulgated thereunder, or another state or federal statute or regulation.
- (3) "Complaint" means a written allegation of misconduct by a credentialed individual or another person, alleging a violation of:
 - (a) KRS Chapter 309;
 - (b) Administrative regulations promulgated in accordance with KRS Chapter 309;
 - (c) Another state or federal statute or regulation; or
 - (d) A combination of paragraphs (a), (b) or (c).
- (4) "Complaint screening committee" means a committee consisting of up to two (2) members of the board appointed by the chair to review complaints, investigative reports, and to participate in informal proceedings to resolve a formal complaint. In addition to board members, the executive director of the Division of Occupations and Professions or another staff member may be appointed to assist the committee, but shall not have voting privileges.
- (5) "Formal complaint" means a formal administrative pleading authorized by the board, which establishes charges against a certificate holder or another and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.
- (6) "Informal proceedings" means the proceedings instituted at any stage of the disciplinary process with the intent of reaching a dispensation of a matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.
- (7) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the Attorney General or the board.

Section 2. Receipt of Complaints. (1) A complaint:

- (a) May be submitted by an:
 - 1. Individual;
 - 2. Organization; or
 - 3. Entity;
- (b) Shall be:
 - 1. In writing; and
 - 2. Signed by the person offering the complaint; and
- (c) May be filed by the board based upon information in its possession.

- (2) (a) Upon receipt of a complaint, a copy of the complaint shall be sent to the individual named in the complaint along with a request for that individual's response to the complaint.
- (b) The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response.
- (3) (a) Upon receipt of the written response of the individual named in the complaint, a copy of the response shall be sent to the complainant.
- (b) The complainant shall have seven (7) days from receipt to submit a written reply to the response.

Section 3. Initial Review. (1) After the receipt of a complaint and the expiration of the period for the individual's response, the complaint screening committee shall consider the individual's response, complainant's reply to the response, and any relevant material available and make a recommendation to the board.

- (a) The names of the individuals and other identifying information shall be redacted to provide anonymity.
- (b) The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.
- (2) If the board determines before formal investigation that a complaint is without merit, it shall:
 - (a) Dismiss the complaint; and
 - (b) Notify the complainant and respondent of the board's decision.
- (3) If the board determines that a complaint warrants a formal investigation, it shall:
 - (a) Authorize an investigation into the matter; and
 - (b) Order a report to be made to the complaint screening committee at the earliest opportunity.

Section 4. Results of Formal Investigation; Board Decision on Hearing. (1) Upon completion of the formal investigation, the investigator shall submit a report to the complaint screening committee of the facts regarding the complaint.

- (a) The complaint screening committee shall review the investigative report and make a recommendation to the board.
- (b) The board shall determine whether there has been a prima facie violation of KRS Chapter 309 or the administrative regulations promulgated thereunder, and a complaint shall be filed.
- (2) If the board determines that a complaint does not warrant the issuance of a formal complaint, it shall:
 - (a) Dismiss the complaint; and
 - (b) Notify the complainant and respondent of the board's decision.
- (3) If the board determines that a violation has occurred but is not serious, the board shall issue a written admonishment to the certificate holder.
 - (a) A copy of the written admonishment shall be placed in the permanent file of the certificate holder.
 - (b) The certificate holder shall have the right to file a response in writing to the admonishment within thirty (30) days of its receipt and may have it placed in a permanent file.
 - (c) Alternatively, the certificate holder may file a request for a hearing with the board within thirty (30) days of the admonishment.
 - (d) Upon receipt of the request, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.
- (4) If the board determines that a complaint warrants the issuance of a formal complaint against the respondent counsel for the board, in conjunction with the complaint screening committee, shall

prepare a formal complaint that states clearly the charge or charges to be considered at the hearing.

- (a) The formal complaint shall be reviewed by the board and, if approved, signed by the chair and served upon the individual as required by KRS Chapter 13B.
- (b) The formal complaint shall be processed in accordance with KRS Chapter 13B.
- (5) If the board determines that a person is in violation of KRS 309.0805(1), it shall:
 - (a) Order the individual to cease and desist from further violations of KRS 309.0805(1); or
 - (b) Initiate action in Franklin Circuit Court pursuant to KRS 309.0813(13) for injunctive relief to stop the violation of KRS 309.0805(1).

Section 5. Settlement by Informal Proceedings. (1) The board, through counsel and the complaint screening committee, may at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

- (2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chair.
- (3) The board may employ mediation as a method of resolving the matter informally.

Section 6. Notice of Service of Process. A notice required by KRS Chapter 309 or this administrative regulation shall be issued pursuant to KRS Chapter 13B.

Section 7. Incorporation by Reference. (1) "Complaint Form", 2008, is incorporated by reference.

- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Certification of Alcohol and Drug Counselors, 911 Leawood Drive, Frankfort, Kentucky, telephone (502) 564-3296, ext. 222, Monday through Friday, 8:30 a.m. to 5 p.m. (35 Ky.R. 461; 787; eff. 10-15-2008.)

201 KAR 35:070. Supervision and work experience.

RELATES TO: KRS 309.083(4)

STATUTORY AUTHORITY: KRS 309.0813(1), and (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813(1) requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.080 to 309.089. KRS 309.0813(3) requires the board to approve or disapprove those persons who shall be certified. KRS 309.083(4) requires all applicants for certification as an alcohol and drug counselor to have completed 300 hours of board-approved experience working with alcohol or drug dependent persons under the direct supervision of a certified alcohol and drug counselor who has at least two (2) years of postcertification experience. This administrative regulation establishes the standards for the accumulation of the required supervised work experience.

Section 1. Definitions. (1) "Clinical supervision" means the educational process of utilizing a partnership between a supervisor and a supervisee aimed at enhancing the professional development of the supervisee in providing services related to the twelve (12) core functions of the alcohol and drug counselor.

- (2) "Clinical supervisor" means a certified alcohol and drug counselor who has at least two (2) years of postcertificate experience and who provides supervision to not more than twelve (12) applicants in an individual or group setting at any one (1) time, and whose certificate is currently in good standing with the board.
- (3) "Work experience" is defined as the hours spent performing the services, tasks, and reports necessary for providing counseling or intervention to a chemically dependent person or person's significant others.

Section 2. Clinical Supervision. (1) Clinical supervision shall consist of at least 300 hours and shall include a minimum of ten (10) hours in each of the following twelve (12) core functions:

- (a) Screening;
 - (b) Intake;
 - (c) Client orientation;
 - (d) Assessment;
 - (e) Treatment planning;
 - (f) Counseling;
 - (g) Case management;
 - (h) Crisis intervention;
 - (i) Client education;
 - (j) Referral;
 - (k) Reports and recordkeeping; and
 - (l) Consultation.
- (2) (a) Clinical supervision may occur in individual or group settings.
- (b) The methods of clinical supervision include:
- 1. Face-to-face;
 - 2. Video conferencing; or
 - 3. Teleconferencing.
- (3) A minimum of 200 hours of clinical supervision shall be conducted face-to-face in an individual or group setting.
- (4) Clinical supervisors shall complete and submit the Supervisor's form in the Application for Certification as an Alcohol and Drug Counselor, incorporated by reference in 201 KAR 35:020, Section 10, that documents the 300 hours of supervision that has occurred during the work experience.

Section 3. Accumulation of Work Experience. (1) 6,000 hours of work experience shall be accumulated in a setting where chemical dependency services are routinely provided.

- (2) Supervised work experience shall be in the twelve (12) core functions referenced in Section 2 of this administrative regulation to enhance the candidate's understanding and application of the twelve (12) core functions to the practice of alcohol and drug counseling.
- (3) The work experience may be either paid or unpaid.

Section 4. Substitution of Work Experience. (1) An applicant may substitute, for part of the work experience, a degree in a related field such as:

- (a) Addictions;
 - (b) Counseling;
 - (c) Psychology;
 - (d) Psychiatric nursing; or
 - (e) Social work.
- (2) Requests for substitution shall be submitted to the board along with transcripts from an accredited College or University.
- (3) Educational substitution shall be reviewed and approved by the board based upon education relative to the delivery of alcohol and other drug counseling.
- (a) (1) A master's degree or higher in a related field, with a specialization in addictions or drug and alcohol counseling may be substituted for 4,000 hours of work experience.
 - (b) A master's degree or higher in a related field, may be substituted for 3,000 hours of work experience.

- (c) A bachelor's degree in a related field, may be substituted for 2,000 hours of work experience.
- (d) A bachelor's degree in an unrelated field shall not qualify for a substitution of hours, and the applicant shall provide proof of 6,000 hours of work experience as established in Section 3 of this administrative regulation.
- (4) The hours of work experience shall be documented on the candidate's application for certification and shall contain verification by the supervisor.
This is to certify that the Chair of the Kentucky Board of Certification of Alcohol and Drug Counselors executes this administrative regulation prior to filing, pursuant to the authority granted by statute, and following a vote of approval by the Board as reflected in the Board's minutes. This administrative regulation is filed with the Legislative Research Commission as required by KRS Chapter 13A to carry out and enforce the provisions of KRS Chapter 309. (35 Ky.R. 463; 789; eff. 10-15-2008.)

201 KAR 35:080. Voluntary inactive status.

RELATES TO: KRS 309.0813(12)

STATUTORY AUTHORITY: KRS 309.0813(1), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813(1) requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.080 to 309.089. KRS 309.0813(3) requires the board to approve or disapprove those persons who shall be certified. This administrative regulation allows credential holders to place their certificate in voluntary inactive status for a period of time if they do not intend to actively practice alcohol and drug counseling in the Commonwealth of Kentucky.

Section 1. Conditions for Application for Voluntary Inactive Status. (1) Voluntary inactive status. shall be for the credential holder who is currently not working as an alcohol and drug counselor, yet plans to return to alcohol and drug counseling.

- (2) The Kentucky Board of Certification of Alcohol and Drug Counselors shall grant inactive status if one (1) or more of the following conditions apply:
 - (a) Medical problems;
 - (b) Maternity or paternity;
 - (c) Education;
 - (d) Military service; or
 - (e) Family or personal issues.

Section 2. Instructions for Application for Voluntary Inactive Status. (1) Credential holders desiring inactive status shall send a letter of request to the office of the Kentucky Board of Certification of Alcohol and Drug Counselors and include the following information:

- (a) Current home address and telephone number;
- (b) Reason for request;
- (c) Final date of employment in the alcohol and drug field;
- (d) Anticipated date of return to employment in the alcohol and drug field; and
- (e) Nonrefundable enrollment fee as established in 201 KAR 35:020, Section 7.
- (2) The request for voluntary inactive status shall be placed on the agenda of the next regularly-scheduled meeting of the Kentucky Board of Certification of Alcohol and Drug Counselors for consideration.

- (3) The applicant shall be notified of the board's decision not later than two (2) weeks after the board's meeting.

Section 3. Terms and Responsibilities. (1) While on voluntary inactive status, an individual shall continue to receive bulletins, newsletters, and other communications from the Kentucky Board of Certification of Alcohol and Drug Counselors.

- (2) A counselor on voluntary inactive status shall not use the initials of a certified counselor (e.g. CADC).
- (3) Individuals on voluntary inactive status shall not be eligible for reciprocity.
- (4) Individuals on voluntary inactive status shall subscribe to any of the applicable aspects of the Kentucky Code of Ethics as established in 201 KAR 35:030.
- (5) The voluntarily inactive individual shall immediately notify the Kentucky Board of Certification of Alcohol and Drug Counselors upon returning to work in the alcohol and drug field and pay the reactivation fee established in 201 KAR 35:020, Section 7.
- (6) Failure to notify the board within thirty (30) days of returning to such employment shall constitute a violation of the Kentucky Board of Certification of Alcohol and Drug Counselors Code of Ethics, incorporated by reference in 201 KAR 35:040, and will result in referral to the board for investigation, in accordance with the procedures outlined in the Code of Ethics.

Section 4. Reactivation. (1) Individuals requesting reactivation of their certification status shall send a letter of request to the office of the Kentucky Board of Certification of Alcohol and Drug Counselors and shall include the following:

- (a) Current home address;
 - (b) Description of change of circumstances allowing active participation in the field;
 - (c) Address of employing agency, if applicable;
 - (d) Submission of proof of attendance of continuing education as required by 201 KAR 35:040; and
 - (e) Nonrefundable reactivation fee as established in 201 KAR 35:020, Section 8(3).
- (2) (a) A request for reactivation shall be considered at the next regularly scheduled meeting of the Kentucky Board of Certification of Alcohol and Drug Counselors.
 - (b) The applicant shall be notified within two (2) weeks of the board's decision. (35 Ky.R. 465; Am. 1153; eff. 12-5-2008; TAm 1-12-2009.)